UNITED STATES DISTRICT COURT

District of NEVADA

UNITED STATES OF AMERICA
V.
GERRY G. ZOBRIST

AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: 2:12-CR-0460-JCM-GWF
USM Number: NONE ASSIGNED
Brett Tolman, Eric Benson
Defendant's Attorney

Date of Original Judgment: 9/5/2013
(Or Date of Last Amended Judgment)

Reason for Amendment:

- ☐ Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
- ☐ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
- ☐ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
- ☐ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)
- ☐ Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
- ☐ Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
- ☐ Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
- ☐ Direct Motion to District Court Pursuant ☐ 28 U.S.C. § 2255 or ☐ 18 U.S.C. § 3559(c)(7)
- ☑ Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

- ☑ pleaded guilty to count(s) ONE [1] OF THE INFORMATION
- ☐ pleaded nolo contendere to count(s) ______ which was accepted by the court.
- ☐ was found guilty on count(s) ______ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C.§1343,§1314 & §1349	Conspiracy to Commit Bank Fraud and Wire Fraud	5/1/2008	1

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) ______

☐ Count(s) ______ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

2/10/2014
Date of Imposition of Judgment

James C. Mahan
Signature of Judge

James C. Mahan, U.S. District Judge
Name of Judge Title of Judge

February 11, 2014
Date

DEFENDANT: GERRY G. ZOBRIST
CASE NUMBER: 2:12-CR-0460-JCM-GWF

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of

(87) Months

☑ The court makes the following recommendations to the Bureau of Prisons:

1. Sheridan, Oregon
2. Residential Drug Program

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at ____________ ☐ a.m ☐ p.m. on ____________ .

☐ as notified by the United States Marshal.

☑ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☑ before 12:00 p.m. 12/6/2013 .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on ____________ to ____________

at ____________ with a certified copy of this judgment.

____
UNITED STATES MARSHAL

By ____________
DEPUTY UNITED STATES MARSHAL

DEFENDANT: GERRY G. ZOBRIST
CASE NUMBER: 2:12-CR-0460-JCM-GWF

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of

(5) years

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The Defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually. Revocation is mandatory for refusal to comply.

☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

☑ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)

☑ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1) the defendant shall not leave the judicial district without the permission of the court or probation officer;

2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;

3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;

4) the defendant shall support his or her dependents and meet other family responsibilities;

5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;

6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;

7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;

8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;

9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;

10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;

11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;

12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and

13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record, personal history, or characteristics and shall permit the probation officer to make such notifications and confirm the defendant's compliance with such notification requirement.

DEFENDANT: GERRY G. ZOBRIST
CASE NUMBER: 2:12-CR-0460-JCM-GWF

SPECIAL CONDITIONS OF SUPERVISION

1. Possession of Weapons - You shall not possess, have under your control, or have access to any firearm, explosive device, or other dangerous weapons, as defined by federal, state, or local law.

2. Warrant less Search - To ensure compliance with all conditions of release, the defendant shall submit to the search of his/her person, and any property, residence, business or automobile under his/her control by the probation officer, or any other authorized person under the immediate and personal supervision of the probation officer without a search warrant at a reasonable time and in a reasonable manner. Provided, however, the defendant shall be required to submit to any search only if the probation officer has reasonable suspicion to believe the defendant has violated a condition or conditions of release.

3. Substance Abuse Treatment - You shall participate in and successfully complete a substance abuse treatment and/or cognitive based life skills program, which will include drug/alcohol testing and/or outpatient counseling, as approved and directed by the probation office. You shall refrain from the use and possession of beer, wine, liquor, and other forms of intoxicants while participating in substance abuse treatment. Further, you shall be required to contribute to the costs of services for such treatment, as approved and directed by the probation office based upon your ability to pay.

4. Debt Obligations - You shall be prohibited from incurring new credit charges, opening additional lines of credit, or negotiating or consummating any financial contracts without the approval of the probation officer.

5. Access to Financial Information - You shall provide the probation officer access to any requested financial information, including personal income tax returns, authorization for release of credit information, and any other business financial information in which you have a control or interest.

6. Employment Restriction - You shall be restricted from engaging in employment, consulting, or any association with any real estate/mortgage business for a period of five years.

7. Report to Probation Officer After Release from Custody - You shall report, in person, to the probation office in the district to which you are released within 72 hours of discharge from custody.

Note: A written statement of the conditions of release was provided to the Defendant by the Probation Officer in open court at the time of sentencing

ACKNOWLEDGEMENT

Upon finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) ____________________________ ________________________
Defendant Date

____________________________ ________________________
U.S. Probation/Designated Witness Date

DEFENDANT: GERRY G. ZOBRIST
CASE NUMBER: 2:12-CR-0460-JCM-GWF

CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	Assessment	Fine		Restitution
TOTALS	$ 100.00	$ 0.00	*	$ 29,854,011.91

☐ The determination of restitution is deferred until ________ . An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
Appleton Properties, LLC	$250,406.00		
Aurora Loan Services, LLC	$1,758,431.00		
Bank of New York	$1,639,100.00		
D.C.	$167,900.00		
CitiBank, NA	$518,259.00		
CitiMortgage Inc.	$355,000.00		
Countrywide	$205,000.00		
Deutsche Bank National Trust Company	$1,130,100.00		
Elsinore LLC	$301,600.00		
Federal Home Loan Mortgage Corporation	$7,646,640.53		
Federal National Mortgage Association	$7,022,840.00		
TOTALS	$ 29,854,011.91		

☐ Restitution amount ordered pursuant to plea agreement $ ________

☐ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☐ the interest requirement is waived for ☐ fine ☐ restitution.

☐ the interest requirement for ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: GERRY G. ZOBRIST
CASE NUMBER: 2:12-CR-0460-JCM-GWF

ADDITIONAL RESTITUTION PAYEES

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
Fidelity National Title Insurance Company	$273,450.00		
First Horizon Home Loans	$229,971.38		
HSBC Bank USA, NA	$1,194,756.00		
HSBC Bank USA, as trustee for Nomura Home	$420,880.00		
Equity Loan			
HSBC Bank, USA as trustee for Wells Fargo	$251,884.00		
HSBC Bank USA as trustee for NAAC Mortgage	$232,300.00		
Pass-Through Certificates			
Indymac Bank FSB	$361,000.00		
Insouth Funding Inc.	$684,463.00		
JP Morgan Chase Bank, NA	$1,193,200.00		
L.R.L.	$420,421.00		
Lynn Marie Homes LLC	$316,300.00		
MTC Financial Inc, dba Trustee Corps	$140,006.00		
Puonyarat K Premsrirut, trustee of Prem Deferred	$273,024.00		
Trust			
A.B.Q.	$173,900.00		
Reconstrust Company, NA	$762,245.00		
J.R.S.	$177,000.00		
Texas Capital Bank, NA	$232,000.00		
US Bank, NA	$1,332,234.00		
Wells Fargo Bank, NA	$189,701.00		

* Findings for the total amount of losses are required by Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

U.S. v. Gerry G. Zobrist
2:12-cr-0460-JCM-GWF
Restitution List

Appleton Properties, LLC P.O. Box 400700 Las Vegas, NV 89140	$250,406.00
Aurora Loan Services, LLC 10385 Westmoor Drive, Ste 100 Westminster, CO 80021	$1,758,431.00
Bank of New York 2505 W. Chandler Blvd Chandler, AZ 85224	$1,639,100.00
D.C. 7713 Himalayas Ave., #102 Las Vegas, NV 89128	$167,900.00
CitiBank, NA 2780 Lake Vista Drive Lewisville, TX 75067	$518,259.00
CitiMortgage Inc. 1000 Technology Drive, MS-323 O'Fallon, MO 63368	$355,000.00
Countrywide 2505 W. Chandler Blvd Chandler, AZ 85224	$205,000.00
Deutsche Bank National Trust Company 7495 New Horizon Way Frederick, MD 21703-8388	$1,130,100.00
Elsinore LLC 3430 Bunkerhill Ste. A North Las Vegas, NV 89032	$301,600.00
Federal Home Loan Mortgage Corporation 30 Corporate Park, #400 Irvine, CA 92606	$7,646,640.53

Federal National Mortgage Association 14221 Dallas Pkwy, #1000 Dallas, TX 75254	$7,022,840.00
Fidelity National Title Insurance Company 500 N Rainbow Blvd, Suite 100 Las Vegas, NV 89107	$273,450.00
First Horizon Home Loans 4000 Horizon Way Irving, TX 75063	$229,971.38
HSBC Bank USA, NA 452 5th Ave New York, NY 10018	$1,194,756.00
HSBC Bank USA, as trustee for Nomura Home Equity Loan 2525 Camelback Road, #300 Phoenix, AZ 85016	$420,880.00
HSBC Bank USA, as trustee for Wells Fargo 8480 Stage Coach Cir Frederick, MD 21701	$251,884.00
HSBC Bank USA, as trustee for NAAC Mortgage Pass-Through Certificates 7495 New Horizon Way Frederick, MD 21703-8388	$232,300.00
Indymac Bank FSB 155 N Lake Avenue, 3rd Floor Pasadena, CA 91101	$361,000.00
Insouth Funding Inc 4522 Executive Drive, #201 Naples, FL 34119	$684,463.00
JP Morgan Chase Bank, NA 7255 Baymeadows Way Jacksonville, FL 32256	$1,193,200.00
L.R.L. 1211 Santa Ynez Ave Henderson, NV 89002	$420,421.00

Lynn Marie Homes LLC 9913 Fox Springs Drive Las Vegas, NV 89117	$316,300.00
MTC Financial Inc, dba Trustee Corps 2112 Business Center Drive Irvine, CA 92612	$140,006.00
Puonyarat K Premsrirut, trustee of Prem Deferred Trust 5640 West Post Rd Las Vegas, NV 89118	$273,024.00
A.B.Q. 2111 Bridle Wreath Ln Las Vegas, NV 89156	$173,900.00
Recontrust Company, NA 400 Countrywide Way Simi Valley, CA 93065	$762,245.00
J.R.S. 15228 Ardath Avenue Gardena, CA	$177,000.00
Texas Capital Bank, NA 3333 Lee Parkway, 8th Floor Dallas, TX 75219	$232,000.00
US Bank, NA 10790 Rancho Bernardo Rd San Diego, CA 92127	$1,332,234.00
Wells Fargo Bank, NA 8480 Stage Coach Cir Frederick, MD 21701	$189,701.00
TOTAL:	$29,854,011.91

DEFENDANT: GERRY G. ZOBRIST
CASE NUMBER: 2:12-CR-0460-JCM-GWF

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

A ☑ Lump sum payment of $ 100.00 due immediately, balance due

☐ not later than ____________, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or

B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☑ F below); or

C ☐ Payment in equal ________ (e.g., weekly, monthly, quarterly) installments of $ ________ over a period of ________ (e.g., months or years), to commence ________ (e.g., 30 or 60 days) after the date of this judgment; or

D ☐ Payment in equal ________ (e.g., weekly, monthly, quarterly) installments of $ ________ over a period of ________ (e.g., months or years), to commence ________ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within ________ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F ☑ Special instructions regarding the payment of criminal monetary penalties:

Restitution Re-Payment - You shall make restitution payments at a rate at no less than 10% of gross income subject to an adjustment by the probation officer based upon your ability to pay.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☑ The defendant shall forfeit the defendant's interest in the following property to the United States:
"ORDER OF FORFEITURE ATTACHED"

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

FILED ENTERED RECEIVED SERVED ON COUNSEL/PARTIES OF RECORD

SEP - 5 2013

CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY: DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, v. GERRY G. ZOBRIST, Defendant.	)	2:12-CR-460-JCM-(GWF)

ORDER OF FORFEITURE

This Court found on January 15, 2013, that GERRY G. ZOBRIST shall pay a criminal forfeiture money judgment of $1,153,774.34 in United States Currency pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2); Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 982(a)(2)(A); and Title 21, United States Code, Section 853(p). Criminal Information, ECF No. 4; Plea Agreement, ECF No. 7; Change of Plea Minutes, ECF No. 9; Order of Forfeiture, ECF No. 8.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States recover from GERRY G. ZOBRIST a criminal forfeiture money judgment in the amount of $1,153,774.34 in United States Currency pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 982(a)(2)(A); and Title 21, United States Code, Section 853(p).

DATED this 5th day of Sept, 2013.

UNITED STATES DISTRICT JUDGE